

**Applicant:** John James Steinfort  
**Application No.:** 10/591,067

### **REMARKS**

Claims 1-12 are currently pending in this application. Claims 1, 5, and 6 have been amended. The drawings and the specification have been amended to correct the informalities noted in the Action. Applicant submits that no new matter has been introduced into the application by these amendments.

#### **Objections To The Drawings**

The drawings have been objected to for following reasons: Failing to include reference number "51", misidentifying of the bolt "26", not clearly identifying the nut "27", and the specification's designation of reference number "51" as both a hole and a tube. By way of a replacement drawing sheet, the identification of the bolt "26" has been corrected, the nut "27" has been clearly identified, reference number "52" has been amended to identify the hole, and reference number "24" has been added to identify the split pin clip. All recitations of reference number "51" have been deleted from the drawings and the specification. Accordingly, Applicant respectfully requests the withdrawal of the objections to the drawings.

#### **Claim Rejections - 35 U.S.C. §103(a)**

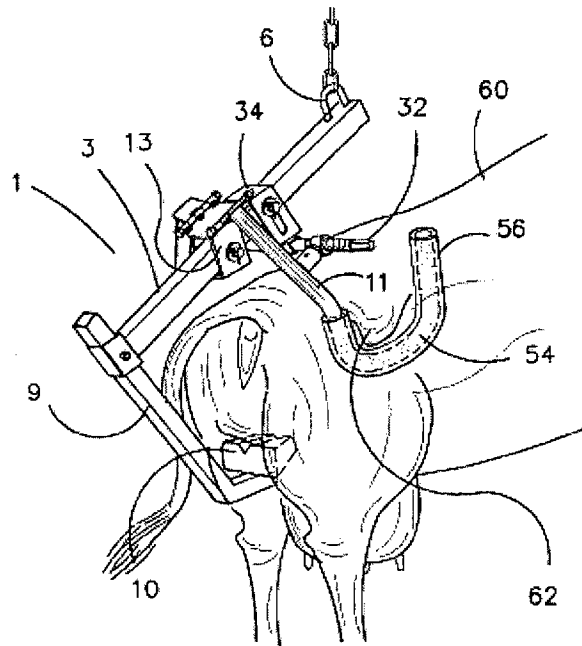
Claims 1-12 stand rejected as unpatentable under 35 U.S.C. §103(a) over U.S. Patent No. 4,432,306 (Rossa) in view of U.S. Patent No. 5,842,443 (Steinfort).

Applicant respectfully traverses the rejection of these claims and submits that the claims are patentable over the art of record for at least the reasons set forth below.

Claim 1, as amended, recites in part:

...a frame member having a lifting section and a rear support section, a support member *depending* from the frame member...a pair of hip supports...*located intermediate the lifting section and the rear support section*, wherein...the animal may be raised or supported *by lifting or supporting the lifting section to provide a cantilever action through the support member...*

Referring generally to Figure 4 (below), the animal lifting and supporting device 1 of the present invention comprises a frame member 3 having a lifting section located at one end and a rear support section located at another. The rear support section comprises a support member 9 depending from the frame member 3, oriented to project between the hind legs of an animal. Two hip supports 11 are located between a lifting point 6 and the rear support member 9. As a result of lifting the device from only one end, specifically at the lifting point 6, a cantilever action through the frame is created, resulting in a substantial portion of the weight being taken by the support member 9 rather than by the hip supports.



Neither Rossa nor Steinfort disclose or describe "a support member *depending*<sup>1</sup> from the frame member". Further, neither reference teaches hip supports "located intermediate the lifting section and the rear support section", as required by claim 1. As a result, the proposed combination of these references does not achieve the claimed arrangement which results in the cantilever action through the frame, transferring a substantial portion of the animal's weight under the pelvis of the animal.

The portable cow lift described in Rossa comprises a hip clamp assembly 27 and a sling 40 separately suspended from a stationary frame 11. Both the hip

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<sup>1</sup> "Depending": Meaning, "to hang down", Webster's Third International Dictionary, 1993.

clamp and sling utilize individual lifting mechanisms (43a, 23) to raise the animal. Rossa, col. 2. lines 20-35.

As indicated in the Action, Rossa does not disclose or describe a rear support section having a support member depending from a frame member. Action, p 4. Further, Rossa does not disclose hip supports "located intermediate the lifting section and the rear section". The Action indicates the lifting section of Rossa comprises a hoist 23 and a winch 43a. Action, p. 4. As can be seen in FIG. 5 of Rossa, the hoist 23 is located directed above the hip supports, and the winch 43a is located directly above the sling 40. This arrangement is clearly distinct from that of claim 1, which requires that the hip supports are located *intermediate*, or between, the lifting section.

Moreover, the frame of Rossa is fundamentally distinct from the frame of the present invention. Specifically, the frame of the present invention is raised or lifted at one end, providing the cantilever action through the support member. The frame Rossa is a fixed structure which is incapable of being lifted. Further, the lifting sections 43a, 23 are fixed to the frame. As a result, the animal cannot be raised or lifted by "lifting or supporting the lifting section" as required by claim 1, nor can such an arrangement provide the cantilever action through the frame as claimed.

The teachings of Steinfort fail to remedy these deficiencies. The Action recites that replacing the sling 40 of Rossa with the support member 66 of Steinfort

would remedy the above indicated shortcomings with respect to the rear support section. To the contrary, although Steinfert features a support member 66 constructed to project between the legs of the animal, this support member 66 would not *depend* from the frame member 11 as required by claim 1. *See* Steinfert, FIG. 1. Moreover, replacing the sling 40 of Rossa with the support member of Steinfert does not result in a device featuring "hip supports...located *intermediate* the lifting section and the rear support section". Because neither Rossa nor Steinfert disclose this liftable frame member featuring the hip supports between an end which is lifted, and an end featuring the rear support member, the cantilever effect cannot be achieved.

The benefits of this arrangement are significant over the prior art. Specifically, the cantilever action correctly locates the support under the pelvis. This ensures that a substantial proportion of the lift or support is taken under the pelvis so that less of the weight is taken up by the hip supports. Simultaneously the hip supports help to right the quarters of the animal as it is lifted so that they are directed vertically to support the animal. As a result, the bruising and skin necrosis associated with designs, such as that disclosed in Rossa, are substantially reduced.

Claim 8 recites, in part, "...the trough shaped region comprises a U-section."

Rossa does not disclose or describe this arrangement. The hip supports, or "stirrup shaped loops", taught in Rossa and shown in FIG 6, feature fully enclosed profiles. Col. 3, lines 42-43. The open ended, U-shaped profile claimed offers significant advantages over the shape disclosed in Rossa. Specifically, the U-shape allows for the release of pressure from the animal's hips as it moves toward a standing position, while retaining control of the animal's movement in the lateral direction.

Finally, with respect to claim 10, which recites in part:

...the hip adjustment member comprises a rod *provided with screw threads at opposed ends of the rod adapted to screw into screw threaded sockets attached to each of the hip supports* whereby the splay at the hip supports may be adjusted by rotating the rod.

As can clearly be seen in Figure 1, the rod 32 of the present invention is provided with threads *on each end* adapted to engage with the threaded nut members 46 attached to each of the hip supports. The threaded crank rod disclosed in Rossa clearly describes a rod threaded only on *one* end, which is configured to engage with the nut 29 located on only one of the hip supports. The remaining hip support features a guide tube 30 in which the crank rod is designed to "turn[s] freely within". Col. 3 lines 45-57.

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Therefore, Applicant respectfully requests the withdrawal of the §103(a) rejection of claim 1. Further, claims 2-12 should also be allowable at least to the extent they depend directly or indirectly from allowable claim 1.

**Conclusion**

If the Examiner believes that an interview will advance the prosecution of this application, the Examiner is invited to contact the undersigned at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 1-12 is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

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